

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VICTOR COYOTL CUAYA,

Plaintiff,

CASE NO.: 19 CIV. 4290 (RA) (JLC)

-VS-

VI DEVELOPMENT GROUP LLC d/b/a BREAD & BUTTER, 570 KCBS CORP. d/b/a BREAD & BUTTER, 401 KCBS CORP. d/b/a BREAD & BUTTER, 462 BKCS LTD. d/b/a BREAD & BUTTER, BKCS LTD. d/b/a BREAD & BUTTER, K&H 14 INC. d/b/a BREAD & BUTTER, FOOD & BEYOND, LLC d/b/a BREAD & BUTTER, TERENCE PARK and BYUNG IL PARK,

Defendants.

DECLARATION OF JONATHAN SUE

I, JONATHAN Y. SUE, declare as follows:

I am an attorney in good standing and admitted to the New York State bar and the bar of the United States District Court, Southern District of New York.

1. I am the attorney for Food & Beyond, LLC (hereafter "F&B") and submit this declaration in opposition to plaintiff's motion for conditional class certification.
2. Contrary to plaintiff's allegation that "[d]efendants operate as a single integrated enterprise," the exhibits attached to the plaintiff's memorandum of law does not include any direct or indirect relationship to F&B, which purchased the assets of a previous "Bread & Butter" located at 419 Park Avenue South, New York, New York, on or about September 19, 2014.
3. Plaintiff's Exhibit A is the proposed notice. Exhibit B refers to a NY Post article that has no mention of the 419 Park Avenue South store. Exhibit C shows "restaurant wine" licenses for four locations of which none are for 419 Park Avenue South. Exhibit D appear to be website pages which again do not reference the 419 Park Avenue store. Exhibit E appear to be photographs of the

stores which do not include the 419 Park Avenue store. Exhibits F and G likewise has no reference to the 419 Park Avenue store.

4. As explained in the Declaration of Jimmy Kim, the Bread & Butter store located at 419 Park Avenue, does not have any relationship to the other Bread & Butter stores, nor their principals.

5. Although plaintiff attempts to group all of the defendants together, it is clear by his own allegation that Food & Beyond, LLC is distinct and separate from the other Bread & Butter stores. As such, plaintiff's motion for conditional collective certification against Food & Beyond, LLC must be denied.

I declare under penalties of perjury that the foregoing is true and correct.

Dated: New York, New York
April 8, 2020



Jonathan Sue